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A SHORT STATE
OF SOME
Present QUESTIONS
IN
CONVOCATION:

Particularly,
Of the Right to CONTINUE or PROROGUE.

BY WAY OF
COMMENTARY
UPON THE
Schedule of Continuation.

L O N D O N :

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OF
QUESTIONS

CONVOCA-
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OF THE RIGHT TO CONTINUE OF PROCEED

BY W. W. W.

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Commentary on the SCHEDULE.

FROM the Establishment of Christianity in this Nation, till the XIVth Century, the Canons of the *English* Church, as well as those of all other Churches, were made by the Metropolitan and Bishops in a Provincial Synod; to which the Presbyters were not Summon'd, as having no part in the Ecclesiastical Legislature.

About the XIIIth Century, when our Kings began to have the Subsidies of the Church granted in Convocation, the Lower-Clergy began also to be Summon'd, and to appear there, in Person, or by their Representatives; because as free-born Subjects of *England* they could not be Tax'd with-

without their own Consent. But *Ecclesiastical Laws and Constitutions* continu'd to be made only in Provincial Synods, consisting of the *Metropolitan* and his *Suffragans*, as Governours of the Church; according to the Usage of all other National Churches and Provincial Synods, wherever Christianity was Establish'd.

Towards the end of the XIVth Century, Ecclesiastical Constitutions begun to be made, where Subsidies had been a good while granted, in the Provincial Convocation of Prelats and Clergy; and the Consent of the Clergy, having been necessary to the Subsidy-Bills, was required also to the making of Ecclesiastical Laws: And so the Clergy were let into a Share in Constitutions also, wherein they had no concern *before*, and came to have it *now*, in consequence of that Custom of giving their Consent in the Case of Mony.

By this Means it came to be a peculiar Privilege of *English* Presbyters, that their Consent should be necessary to the passing of any Constitution, before it could be of force in the *English* Church; and to that end, the Clergy are of necessity to be Summon'd, as oft as the Prince issues his *Writ*, and the Archbishop his *Mandate*, for a *Provincial* Synod.

Before the 25th of *Henry VIII.* the Archbishop was at liberty (as *Metropolitans* in all Ages had ever been) to Summon his Provincial Synod whenever he saw Cause; but by that Statute, he is bound to wait for the *Royal Writ*, as a *Warrant* to issue his own Mandate of Summons. The *Writ* is directed to the Archbishop alone, desiring and commanding him to Summon the Bishops and Clergy of his Province, in the accustom'd Method, to appear before him at *St. Pauls*, or elsewhere, as he shall see Cause. (a)

(a) *Ad comparendum coram vobis in Ecclesiâ Cathedrali S. Pauli-----
vel alibi, prout melius expedire videritis, cum omni celeritate accomodâ, mo-
do debito Convocari faciatis.*

The Archbishop of *Canterbury* having receiv'd the Royal Writ, does in his own Name, and under his own Seal, direct his Mandate to the Bishop of *London*, as Dean of the Province; and therein, reciting the Writ, requires him to Summon the *Suffragan Bishops*, and by them the *Clergy*, to appear before Him or his Commissary at a certain Day, and to attend such further Continuations to *Time* and *Place*, as shall then be found necessary (a)

On the Day appointed for their Meeting, the Bishop of *London* exhibits his Return, directed to the Metropolitan; in which he certifies, under his Episcopal Seal, that in pursuance of his Grace's *Letters Mandatory*, and by *Authority* thereof, he has Summon'd the Bishops and Clergy of the Province to appear before him on that Day, and in that Place. (b)

In like manner, every Bishop makes a Return of Members from his respective Diocese, in an Instrument under his Hand, and the Seal of his See, immediately directed to the Archbishop: In whose Registry these Returns are all deposited, as legal Testimonies of the Right of every Member to a Place in the Provincial Synod, and of the Metropolitan's Right to their Attendance therein.

The Archiepiscopal Summons being fix'd to a *certain* Day, with an Intimation of such *further* Attendance as may appear to be necessary, is not fully comply'd with by the

(a) *Fraternitati vestræ Committimus & Mandamus, quatenus omnes & singulos Episcopos----- peremptorie citetis--- & per eos, Decanos, &c. peremptorie Citari & Præmoneri volumus, quod iidem Episcopi, Decani, & Archidiaconi----- compareant coram Nobis in Domo Capitulari---- die---- cum Continuatione & Prorogatione dierum extunc Sequentium & locorum si oporteat fienda.*

(b) *Reverendissimo, &c. Literas vestras Reverendissimas Citatorias & Monitoriales, &c. recepimus---- Quarum quidem literarum vigore pariter & Autoritate, Nos---- London. Episcopus, omnes & singulos Confratres nostros, &c. peremptorie Citari & Præmoneri respectively fecimus, Quod iidem Episcopi, Decani, &c. compareant coram Paternitate vestrâ Reverendissimâ---- die & loco eisdem vestris literis Reverendissimis plenius specificat. & designat. cum Continuatione & Prorogatione dierum extunc sequen. & locorum, si & quatenus expediat.*

first Day's appearance: And therefore the Business of one Day being over, the Metropolitan (whose Presence in his Provincial Synod, either in Person, or by a Commissary specially deputed, is at all times absolutely *necessary* to make a Synod) Continues the whole Convocation of Bishops and Clergy to a *further* Day, by solemnly Reading and Signing an Instrument of the following Form.

* *Sheldon.*

† This Clause is always us'd, except in the Continuation of the first Day.

IN Dei nomine Amen. Nos * Gilbertus *Providentiâ Divinâ Cantuariensis Archiepiscopus totius Angliæ Primas & Metropolitanus*, rite & legitime procedentes, Præsentem Convocationem sive sacram Synodum Provinciale Prælatorum & Cleri nostræ Cantuariensis Provinciæ [† *alias usq; ad & in hos. diem horam & Locum Continuatam & Prorogam,*] nec non omnia & singula Certificatoria hætenus introducta, ac introducenda & non introducta, in eodem Statu quo nunc sunt usq; ad & in diem Mercurii, decimum sextum viz. diem Mensis Octobris Instan' inter horas octavam & duodecimam ante meridiem ejusdem diei, ad hunc locum, unâ cum ulteriori Continuatione & Prorogatione dierum ex tunc sequentium, & Locorum (si oporteat) in ea parte fiendis, Continuamus & Prorogamus in his Scriptis.

Gilb. Cant.

This is the first remaining Schedule of a Continuation by the Archbishop *in Person* (all the more ancient ones having been Burnt in the Fire of *London* :) and by a Schedule of the self same *Form* it is, that the succeeding Archbishops, particularly the present, have all along Continu'd the Provincial Synod of Bishops and Clergy. It is therefore the genuine meaning of *this Instrument*, and the several *Terms* thereof, that must teach us the true Force and Extent of the Act of *Continuation*.

I. Nos Gilbertus, *Providentiâ Divinâ Cantuariensis Archiepiscopus, totius Angliæ Primas & Metropolitanus*, &c.

It

It is, we see, the *single* Act of the Metropolitan, because exercis'd in pursuance of his original *Summons*; which is a *personal* Authority vested in him by the Constitution of our own Church, and all other *Episcopal* Churches from the Primitive Times. By that *Summons*, the Bishops and Clergy (as has been observ'd) are cited to appear before him on a *fixt* day, with an additional Obligation to attend such *further* Continuations, as may then be found necessary or expedient. And so, the Archbishop who first *Summon'd* in his own Name, doth either by himself or by a Commissary specially deputed for that end, require the *further* Attendance (intimated in the first *Summons*) by this Authoritative Act of Continuation.

For the same Reason, the Instrument by which the absent Members are pronounc'd *Contumacious* (commonly call'd *the Schedule of Contumacy*) runs in the Name of the Metropolitan alone; this Judicial Authority in Matters that relate to *Attendance*, being a Right which immediately flows from his Summoning-Power. Whereas all Matters, to the passing of which the previous Consent and Authority of the Synod is requir'd, are expressly said in the Instruments to be Enacted by the *Consent, Advice, or Authority* thereof. And if the two foresaid Acts, of *Continuation* and *Declaration of Contumacy*, were *Acts of the Synod*; no reason can be given, why they (like all other Acts that require the previous consent of the Body) should not *express* the Authority of the Synod. On the contrary, the Instrument, we see, expresses no Authority besides that of the Metropolitan; and his *Authority* therein is immediately deriv'd from the first *Summons*, which is confessedly a *personal* Act. And these two (*viz.* the Title to such a Power in virtue of his first *Summons*, and the silence of the Instrument as to any other *Concurring* Power) are a full proof that the Act of Continuation, the Point we are at present concern'd with, is in strictness of Law a Personal Act.

'Tis true, that Act is mentioned in the remaining Registers of the Upper-house from 1562. as done with the *Consent of the Bishops*; it being natural for the President to confer

confer with his Brethren about the most *convenient* day for the next meeting, and no less natural for the Register to represent the *Appointment* upon that deliberation, as made and settl'd by *common Consent*. But the *Instrument* of Continuation clearly shows that in strictness of *Law*, the Act, with the Authority of it, is the *Metropolitan's* alone: and accordingly, we find it has been often fixt and executed by the Archbishop or his Commissary, when none of the Bishops were present.

How far the Language of the Registers implying the *Consent of the Bishops*, may upon the foot of *Custom* give their Lordships a *Right* of Consenting, as oft as they are present; I shall not enquire, because it is not to the present purpose. For tho' we suppose the Suffragan-Bishops, notwithstanding the *Silence* of the Instrument, to be entitl'd by *Usage* to a share in that Act; this will no way help the *Inferior Clergy*, who have no such *Usage* to plead; their previous Consent having never been askt in the memory of Man, nor any Marks remaining upon the Journals of either House that it was ever customary, before or since the *Separation* of the Synod into two Houses. The producing some *Precedents* of that kind, is conceiv'd to be absolutely necessary to warrant the present claim of the Majority of the Inferior Clergy upon this Head; because, in truth, nothing else can warrant it: And therefore they have been often desir'd to make the *Custom* appear, but all in vain; the Records of Convocation not affording the least pretence for any such *Custom* or *Claim*.

Whether therefore this *Continuing* or requiring *farther Attendance*, be consider'd as an effect of the *Summoning-power*; or whether according to the Schedule, as that runs in the Name of the Metropolitan alone; or lastly as the Act stands mention'd in the remaining Journals; all Circumstances concur to exclude the late pretences of the Lower House. And, as for the Suffragan-Bishops, our present Metropolitan has been so far from entrenching upon any Right or Claim that may be *presum'd* to arise from that Clause *Cum consensu Fratrum* in the Upper-house Books, that he has
never

never exercis'd his Authority in this particular without taking the *Consent* of his Brethren, when present, and having an expresse Entry made in the Register, of its being exercis'd *with such Consent*.

Agreeably to the foregoing Observation, that the Power of Continuing is deriv'd from the first Summons to a certain Day, *Cum continuatione dierum*, &c. it is observable, That the Royal Writ of Prorogation (directed to the Metropolitan *alone*) expressly *recites* that Clause of the Archbishop's Mandate, after it has requir'd him to Prorogue the Convocation in the usual Form to a certain Day. For the Writ having nam'd the Day to which he shall Prorogue, goes on thus, *Tunc tenend'. & prosequend'. una cum ulteriore Continuatione dierum & locorum prout convenit*. Whereas, when the Prince Commissions a certain Number of the Nobility to Prorogue the *Parliament*, the Commission adds to the Time appointed, the Words *tunc tenend'. & prosequend.* but stops there, without the additional mention of *further* Continuations. And the ground of this difference between the Prince's Provincial Writ, and his Royal Commission, is plain enough. In the *Writ* he speaks of *further* Continuations, because the Person to whom alone it is directed, is known to be vested with a Power of Continuing in Right of his first Summons: But the *Commission* takes no notice of *further* Continuations, because the Persons to whom it is directed are known not to have any Power in themselves either to *Summon* or to *Continue*.

The Writ (I say) is directed to the Archbishop, as the Commission is to the Nobility; but in the *Executions* of these there is this remarkable difference, That the Commissioners are requir'd, and thereby specially empower'd, to Prorogue in the Name of the Prince (a); but the Archbishop is only Commanded in general to Prorogue the Convocation in *DUE FORM* and manner (b). Who

(a) *Dantes vobis plenam potestatem ad præsens Parliamentum nostrum nomine nostro Prorogand.*

(b) *Vobis mandamus quod, &c. debito modo Prorogetis.*

therefore having receiv'd the Royal Writ, Prorogues according to the Tenor of it, in his *own Name*, and in a Schedule of the *usual Form* ; and whoever shall not attend according to that Prorogation, is punishable with *Ecclesiastical Censures*, to be inflicted by the Archbishop. Tho' therefore the Prince (without the Authority of whose Writ the Archbishop cannot Summon a Convocation) has the Right also to command a Prorogation or Suspension of their meeting, as oft as he sees cause to interpose; yet so far is our Constitution from violating the Power and Authority of the Church in her Synodical Meetings, that even the legal Commands of the Prince, signify'd by his Writ, are not executed but in a *Canonical way* ; and the Writ expressly leaves the Metropolitan to his ordinary Power of Continuing or Proroguing, when the Synod comes together again, and proceeds to Business at the end of that Prorogation.

If any doubt could remain, whether that Clause in the Archbishop's Mandate (*cum Continuatione dierum, &c.*) be a Testimony of his Right to require their Attendance on such *further* days as he shall appoint ; I might observe, that in his Visitations, as well *Diocesan* as *Metropolitica*, the Citation which he issues, is in the very same Style ; and in virtue of that Clause he is entitl'd to the attendance of every Member concern'd, according to the Appointments he shall make, till that Visitation be concluded.

II. *Prasentem Convocationem sive Sacram Synodum Provincialem Pralatorum & Cleri nostræ Cantuariensis Provincia.*

The Phrases *Prasens Convocatio* and *prasens Parliamentum*, are known in the Language of both these Bodies, to signify the Convocation and Parliament *then in being*. And so here, the *prasens Convocatio sive sacra Synodus Pralatorum & Cleri Cant. Prov.* is the Provincial Synod; first summon'd to appear in *one Body* before their Metropolitan, and then acting under him as *President* of the whole ; without whose *Presence*, in Person or by his Commissary, there can be no
Synod

Synod, by the Rules either of our own, or any other *Episcopal Church* that ever was in the World.

The Bishops and Clergy in an English Provincial Synod are jointly Continu'd by the *same Act*, because they are *one Body* united in the Metropolitan of the Province; and when any Members shall break loose from the Head, and form into a separate Body, and set up a new Government within themselves, pretending to exercise Jurisdiction by their own proper Authority, and particularly, to appoint and hold separate Sessions of their own; so far they *Act* unlike the Members of a *Provincial Synod*. Especially, if they be *Presbyters* who form themselves into such a *separate Government*, and (which is a necessary consequence) set up a Jurisdiction *within themselves* sufficient to maintain it; so far they act more like Members of a *Presbyterian Assembly*, than of a *Provincial Synod* or *Episcopal Church*. For such a Synod and Church acknowledge no Authority or Jurisdiction in Presbyters, but what is exercis'd by immediate Commission from their Ecclesiastical Superiors, the Metropolitan and Bishops: An *independent Government* and Authority of Presbyters, is no where assumed but in a *Presbyterian Church*, and by a *Presbyterian Assembly*.

It has been pleaded, That our English Provincial Synod is a *Parliamentary Body*; but, we see, the Instrument by which it is Continu'd from time to time, styles it a *Sacred Synod*, and a *Provincial Convocation of Prelats and Clergy*; (a) and all the methods both of *Summoning* and *Acting*, show the Constitution of it to be truly *Ecclesiastical*; however earnestly some Men have labour'd to make it a *Civil Body*, on purpose to disengage Presbyters from the Government and Authority of their Superiors in the Church. It is Summoned (as Synods have ever been) by the Authority of the Metropolitan, and upon a *Mandate* under the Archiepiscopal Seal: The Returns are all made to the same

(a) This is prov'd at large in *Synod. Anglicana*, Chap. 1. *The Method of Summoning an English Convocation*; and in the two following Chapters explaining the establish'd Methods of Opening it.

Metropolitan : To Him the Punishment of *Absence* belongs ; and Attendance is enforc'd by no *Censures* but what are purely *Ecclesiastical*. The Members can have no *Union* but in Him ; and consequently, as we have said before, there can be no *Provincial Synod*, nor any Session of such a Synod, except He (as the only President over the whole) be present in *Person* or by his *Commissary*.

'Tis true, here in *England*, the Inferior Clergy having a Right to *separate* Resolutions, have also a Right to *separate* Debate ; for which end they us'd anciently to *Retire*, as the Metropolitan and Bishops (in whose Room they then sat) saw occasion for it ; and having come to their Resolution, they return'd thither, and remain'd in the same Place till there should be a new occasion to *Retire*. As the Business of Convocation increas'd, the *Retirements* became of course more frequent, and by degrees grew at last into a separate State, as to *Debates* : (a) But that Separation went no further than *Debate* ; for as to the Authority by and under which they acted, the Metropolitan continu'd as much their *President* in the *separate* as he was in the *united* State. It is the Archbishop that inflicts Ecclesiastical *Censures* upon the absent Members, as he has always done ; and, at the head and with the consent of his Suffragan-Bishops, he sends for the Inferior Clergy to the Upper-house, as he sees occasion, either in a Body, or by the *Prolocutor*. (b) As for the Prolocutor, being chosen by the Clergy and confirm'd by the Archbishop and Bishops, he becomes thereby the *Authentick* Conveyer of the Commands of the Metropolitan and Bishops, and of the Clergy's Answers and Resolutions ; that is, one principal part of his Office, is, to preserve a constant *Correspondence* between the Archbishop and Bishops, and their Clergy, and a real *Union* in their Proceedings, as they are really but one Body.

(a) *Syn. Angl. Cap. v. Of the Separation of the Inferior Clergy from the Bishops.*

(b) *Syn. Angl. Cap. iv. Of the Election and Office of a Prolocutor.*

It is very plain, that this Separation in Debates did not at all diminish the *Authority* which the Metropolitan and Bishops anciently had : because since that Separation, the Custom has always been for the Archbishop and Bishops not only to send for the Clergy, or the Prolocutor, as they saw occasion, but (a) to *Command* and *Require* them to consider and prepare any Business committed to their Care ; and not only so, but (b) to *direct* the *Methods* of Considering it, and (c) prescribe a time for the *Return* of it ; and when the Lower House were not ready at the time appointed, then to grant them a longer Day, and that sometimes at the express *Request* of the Clergy. Thus it certainly *becomes* Presbyters of an Episcopal Church, in *Duty*, to carry themselves towards their Ecclesiastical Superiors ; and thus the former Presbyters of our own Church have ever done, and many of the Inferior Clergy continue to do at this day, in opposition to the late Practices of the majority. Wherein they act agreeably to the primitive distinction between Bishops and Presbyters in *Order* and *Authority*, and to our receiv'd Doctrin that the Government of the Church is originally vested in the Bishops, and, lastly, to our Constitution, which makes a *Provincial Synod*, one Body, and enjoins the Presbyters (as Members thereof) to act under the Influence and Direction of their Metropolitan and Bishops.

Tho' therefore the Records of Convocation style the Clergy thereof the *Lower-House*, they are not in virtue of that *Denomination* presently entitl'd to new Independent *Rights* or *Privileges* ; which must always be measur'd by the original Relation between Bishops and Presbyters, and by their Proceedings from time to time, as Members of

(a) *Ibid.* Cap. vii. *The Right of the Archbishop and Bishops to require their Clergy to consider and prepare Business.*

(b) *Ibid.* Cap. viii. entitl'd, *Right of the Archbishop, &c. to order Committees of the Lower-house.*

(c) *Ibid.* Cap. ix. All these Particulars, about the Return of Business, are prov'd from the Original Acts.

an *English* Provincial Synod. By both which Rules (we see) this Separation of the Clergy into two Houses, can extend no further than the *Convenience of Debate*, since the Lower-house act under the same President (styl'd even in the Act of Uniformity, *President of the Convocation*) and in their Proceedings are as much subject to the *Direction* and *Authority* of their Ecclesiastical Governours (when these see Cause to interpose) as if they were always *present* with them in the Upper-House. By the Doctrin of all Episcopal Churches, Presbyters can exercise no *Authority*, but what is deriv'd from their Spiritual Superiors; and according to this Doctrin, *Presbyters* in all former Convocations have readily submitted to the direction of their Bishops, and did never, that I can find, set up a separate or independent Authority till now. Again, By the Practice of the Catholick Church, a Provincial Synod can be really but *one Body*, united in one common Head, the Metropolitan; and it is clear, that the Instrument we are now explaining (like all *other* publick Instruments of Convocation) speaks of an *English* Provincial Synod as *one Body*, consisting of Bishops and Clergy jointly assembl'd under their Metropolitan, and incapable of holding a Session as Members of that Synod, but when he actually *Presides* over them.

With the Language of *Convocation*, agrees the Language of *Parliament*; the Journals whereof (both of Lords and Commons) plainly *suppose* that the Bishops and Clergy, by our Constitution, are *one joint Body*; when they style them *the Convocation-House*, and *the House of Convocation*. (a)

And this is that *Sacred Synod* or *Convocation of Prelats and Clergy*, which being assembled as *one Body*, is Continued by one Act, *viz.* the Metropolitan's Declaration thereof from the Schedule of Continuation: Who also by the same Act, Continues the *Certificatoria* or *Returns* of Members, that are made to him by the several Bishops of each Diocese, and entitle him to the attendance of every Person who shall be so Return'd.

(a) See a late Book entitl'd, *The Pretended Independence*, &c. p. 94, 95.
III. Nec-

III. *Necnon omnia & singula Certificatoria hætenus introducta ac introducenda & non introducta.*

The meaning of this Continuation of the *Certificatoria* from Session to Session, is, That although every Member who was *returned* by his Diocesan, and yet is absent from that Session, incurs the Pains of Contumacy by his Disobedience to the first Summons (for by that, as we have seen, every Member is bound to attend at the Day appointed, *Cum Continuatione dierum*;) yet by this Continuation of the Returns, the Infliction of the Penalty is *respited* for that Session, and the absent Members expected till the next. Which supposes a Power in the Archbishop to *Punish* then, if he see it necessary or convenient; and this Power shows, that *Absence* from any Session is a Disobedience to the *Act* and *Authority* of the Metropolitan; who could have no Right to *punish* any of the Clergy for not attending on the Day to which he *Continues*, but that they are directly *Included* in his *Act* of Continuation; and being included, and yet not complying with the Tenor of it, their Absence becomes an *Act* of *Disobedience* and *Contumacy*.

Thus, the thing Continu'd by this *Act*, is the whole Body of Convocation, and every Member thereof, whether *Absent* or *Present*.

The next Thing, is, the *Force* and *Effect* of this Continuation, lodg'd in the following Terms;

IV. *In eodem statu quo nunc sunt, usq; ad & in diem—ad hunc locum, una cum ulteriori Continuatione dierum extunc sequentium & locorum (si oporteat) in ea parte fiend'. Continuamus & Prorogamus, in his Scriptis.*

In Parliament, when the Prince Prorogues, the Commission runs, *ad Prorogand & Continuand*; and the effect of that *Prorogation*, is, a *Suspension* of Business in both Houses of Parliament, till the time appointed for their entering upon Business again. The same Terms have the
same

same effect in Convocation, when the Metropolitan *Prorogues* or *Continues*: And accordingly, as in Parliament every Prorogation makes a new Session; so in Synod, every day's meeting is always enter'd in the Acts as a distinct *Session*, because it is in truth upon a *Prorogation*.

Some in the Lower-house have chosen to call it an *Adjournment*; a Term, that has been introduc'd of late to serve some new Opinions; but not upon any Authority of *Records* or *Registers*: For there the Act of Continuing the Convocation from Time to Time, is constantly express'd by the Words *Continuatio* and *Prorogatio*. That is the Style, in which the Metropolitan *suspends* Business for the present, and appoints a new Meeting; and in Convocation, we find no other Style, nor any Meetings but of his Appointment. For by the Rules of a Provincial Synod, no Member can meet or act as such, but under the *Presidency* of the Metropolitan; who therefore (as we have often observ'd before, and desire it may still be remember'd) must of necessity be present in every Session of the Synod, by himself or by a Commissary specially deputed.

The Case in Parliament is otherwise: The Sovereign interposes by *Prorogations* when he sees Cause; and when he does not interpose, the two Houses are left under their own *Government*, and to their own *Adjournment*. For each House having an Authority over its own Members, hath a Right to Inflict upon them such Punishments as may be necessary both to enforce Attendance as the House shall appoint, and to preserve Order when they are met pursuant to such Appointments: That is, each House has by Constitution and Custom a Government within it self, and over its own Members; and such an independent Government is no way inconsistent either with the nature of a *Parliament*, or the *Character* of the Members. Civil Assemblies may be in this, and all other Nations, what the Constitution shall make them; and there is no *Incongruity* in the Members exercising Authority over one another, and enforcing that Authority by proper and necessary Penalties. But with *Provincial Synods*, and the *Members* thereof, it is far

far otherwise: The Constitution of the Catholick Church knows no such thing as a *double* Government in one and the same Provincial Synod; nor does the original Commission to the Bishops for the Government of the Church, suffer Presbyters to exercise an Independent *Authority* or *Jurisdiction* over one another. And so far as they *take upon* them to exercise it, they go against the original distinctions of Order and Authority between Bishops and Presbyters; and deserting the Character of *Episcopal Presbyters*, act as Members of a *Presbyterian Assembly*.

For the Proceedings of Presbyters in a *Provincial Synod* are chiefly distinguish'd from those of a *Presbyterian Assembly*, in that the first derive all their *Authority* from their Ecclesiastical Superiors, the second profess to *govern themselves* by an Authority inherent in their own Body. Now, suppose the Presbyters of the Lower-house to have (according to the late Claims of the majority) an Inherent Power to Adjourn themselves, and to hold a *separate Session* of their own pursuant to that Adjournment, admonishing their Members to attend, and as a consequence thereof punishing their non-attendance; so far, it is conceiv'd, they would become a *Presbyterian Assembly*. They can have no such Power as *Episcopal Presbyters*, by the Rules of the Primitive Church, or of any Episcopal Church in the World ever since; and therefore if it be their Right, it must arise purely from the private usage of this Nation; which, were it so, would not only be different from but directly opposite to the original Frame and Constitution of an *Episcopal Church*. Whether it be their Right in virtue of such *private Usage*, is the Question depending: But if there be no such Usage already, surely it will not be set up by any that are Friends to the *Good* and *Honour* of our Church. It is hard to think how any should desire or attempt it, unless

less they could hope to find some *better* Pattern of Church Government than that of the Primitive Times, or some Power lodg'd in every Civil Government to subvert and alter Episcopacy ; that is, to diminish the Original Rights of Bishops, and transfer them to *Presbyters*, in such proportions as they please.

But this (God be thank'd) is not our Case. The Government and Authority of our Church rests, where Christ and his Apostles settl'd it, in the Bishops ; and by our Constitution, *Presbyters* have no Authority over one another ; particularly, no Authority to Continue or Prorogue, or, as they call it, to *Adjourn themselves*, in a Provincial Synod, either by the *Law* or the *Practice* of Convocation.

We have seen already, how the Synod is summon'd by the Metropolitan, to meet in one Body at a certain day ; with a reservation of Power to *Continue* it to *further* days, as there shall be occasion. And this last Clause of the Instrument or Schedule (*In statu quo nunc sunt, &c. Continuamus, &c.*) shows that by our Constitution, the same Authority which first summons the Prelats and Clergy of the Province to Convocation, has a Right to Continue It and Them, in the State and Condition they then are, to a further time. Which Continuation includes three Things, 1. A Discharge of the Members from *present* Attendance. 2. A *Suspension* of the Business of the Synod till the day appointed. 3. An Obligation upon every Member to attend on that day, when the Business of the Synod will be resum'd. In all which, it is plain, the *Clergy* are as nearly and immediately concern'd as the *Prelats* ; for the Words of the Instrument are, *Convocationem sive Sacram Synodum Provincialem Prælatorum & Cleri*. And therefore the Schedule being *publisht* in Form and sign'd by the President of Convocation, is presently deliver'd to the Prolocutor (the establish'd and authentick Reporter of all Com-

Commands and Messages from the Upper-House) to be *Signified* or *Intimated* to the Clergy ; according to the ordinary Language of the only compleat Journals now remaining. For these, speaking of the Prolocutor's Intimation Below, do not only say, that the Thing he *Intimated* was, *That this Convocation is Continu'd* to such a Day (the Day appointed Above,) but yet more expressly (a), that it was the *President's* Continuation which he Intimated, and that he did it by the *Decree*, and at the *Command* of the President.

Which legal *Signification* being given to the Clergy, they as well as the Prelats (for by the Tenor of the Instrument they are *equally* affected) become discharg'd from *further Attendance* at that Time, incapable of holding a *Session* before the Day appointed for the next Meeting, and under an Obligation to *attend* on that Day, upon pain of being subject to the Metropolitan's Censure. All which is very agreeable both to the nature of a Provincial Synod, which can be but one Body, and to the Summoning Power vested in the Metropolitan, as in all Nations it ever has been : And lastly, to the Power of Censures originally lodg'd in the Bishops (as Governours of the Church) exclusive of Presbyters ; who therefore cannot (consistently with their Character, as *Presbyters of an Episcopal Church*) set up a separate Government within themselves, or exercise Authority over one another, or (which is necessarily *suppos'd* in such a Claim) maintain that Government, and enforce this *Authority* by Censures or Penalties of any sort. And 'tis absur'd to say, that any Constitution forms a Government, or gives Authority, without a Power of Defending and *Enforcing*

(a) See the Proofs and Authorities cited at large, in a late Book Entitl'd, *The Right of the Archbishop*, &c. p. 61, 62.

it by sufficient Penalties, in case of Disorder or Disobedience.

Notwithstanding this, some present Presbyters (I mean the *Majority* of the Lower-House) denying the Influence and Authority of the Continuation Above, set up a *Government* among themselves, and in virtue thereof not only Adjourn by their own *Authority*, but Adjourn to a *shorter* Day, and require their Members to attend accordingly, and hold a separate Session *within* the Time to which the Metropolitan had expressly Continu'd or Suspended the Business of Convocation; altho' by that Act he had expressly discharg'd the Clergy from further Attendance *till* that Time.

Which Claims and Practices are in many respects destructive of the Constitution of an *Episcopal Church* in general, and contrary to the particular Constitution of an *English* Provincial Synod, consisting of *Prelats* and *Clergy*, assembled *by* and *under* the Metropolitan. For,

1. Whereas it is plain from the whole Tenor of the fore-mention'd Schedule, that the Clergy are *Included* in it, and as much affected by it as the *Prelats*; and acknowledge themselves to be as absolutely *determin'd* to attend on the Day, and at the Hour therein specify'd; yet the present Majority plead, and in *Practice* have frequently asserted, that every Adjournment must be an Act of their own House, and that the *Authority* and *Obligation* of it springs from an Inherent Power they have over their own Body, exerted in a Vote or Agreement of that Body, That every Member shall pay his Attendance on a certain Day, in order to hold a regular Session as a House: Upon the Foundation of which Vote, the Prolocutor *Admonishes* all the Members to be present.

Now, to pass by what we just now hinted, That by our Constitution, as set forth in the Schedule, they
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are expressly *comprehended* in that Act of the Archbishop; and, as themselves acknowledge, absolutely *determin'd* by it, as to their Attendance at the time: To pass by this, I say, the making *Adjournments of the Clergy* to be the proper Act of their own House, is the setting up an Independent Government within themselves, and the Exercise of an Authority by Presbyters over Presbyters, as inherent in the Body, and no way deriv'd from the Governours of the Church. For every such Adjournment and Admonition, is an *Authoritative Act*; expressing an *Appointment* of Time, and implying a Power to inflict Penalties in case of non-attendance; because (as I observ'd before) it is absurd to say, that the Constitution gives *Authority* of any kind to a Man, or Body of Men, without giving a Power of *enforcing Obedience* to that Authority by the infliction of proper and necessary Penalties. From whence we argue thus: If the Presbyters of an *English Synod* had by Custom such an Authority within themselves, independent on their Ecclesiastical Governours; the Constitution of an *English Synod* would carry in it a plain Infringment of the original Rights and Constitution of an Episcopal Church; which lodges all *Power*, and the Methods of Enforcement, in the Order of Bishops. On the other Hand, if Presbyters have no Power to *enforce Obedience* by proper Censures, their Claim of that Authority is absurd, and the Exercise of it very unwarrantable; both as it is assum'd by Those who by Custom have it not, and (as Episcopal Presbyters) are not *capable* of having it; and also as it pretends to *supersede* the express Appointment of the Metropolitan, and to make the Members attend pursuant to the Appointment of the *House*, and in virtue of their own Authority.

When the Metropolitan, in pursuance of his first Summons, has Continu'd the Synod, every Member
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who shall not attend at the day, becomes guilty of Contumacy by the Constitution of the Synod, and thereupon liable to Canonical Censures; and one *legal Penalty* he *immediately* and *ipso facto* incurs, is the loss of his Vote for that time, so as the Synod shall in Law be esteem'd *full* and *complete*, and may proceed *Synodically*, without him. Suppose then the Appointment of the *Lower house* be disobey'd, what Power is there in their House to punish, either by *forfeiture of Voice*, or otherwise, for not attending? If they have any such Power by the Law or Custom of Convocation, let them show it: If not, what Right have they to repute themselves a *complete* House, and to proceed as such, when several of the Members may be absent, and not have incurr'd any legal Forfeiture of their *Right* to Vote? Or how come they, in such a Case, to Act and Resolve as the Representatives of the *whole* Clergy of the Province?

The Sum is this: If they claim a Power of Adjourning themselves, without a Power of enforcing Attendance by legal and necessary Penalties, the Claim is absurd and inconsistent: But if with that *Power of Adjourning* they claim a Right also to *enforce Attendance* by Censures, they claim that which never did belong to Episcopal Presbyters as such; and it lies upon them to prove (what I am sure they never can) that the particular Constitution of an English Synod is so far *Un-Episcopal*, as to have vested Presbyters with an independent Authority and Right of Censures, and with a Power Co-ordinate to that of Bishops. It is such as was never pretended to, by any Presbyters that ever acknowledg'd the Institution of *Episcopacy* by Jesus Christ, for the Government of his Church.

2. If (as they contend) it be an Act of their own House, and not the Metropolitan's Act, by which they are Continu'd; I don't see that any Lower-house-Member

ber who shall absent himself, can in Law be accountable to the Metropolitan, or to any other Power than that of their own House; pursuant to whose Act of Adjourning, the Attendance is upon that Supposition to be pay'd. The Consequence whereof is, that notwithstanding the Summons of Prelats and Clergy to act jointly in one Provincial Synod, it shall be in the Power of the Clergy, upon a separate Authority of their own, to break off from the Synod, and *legally* deny their Attendance, tho' they know that the Metropolitan and Bishops are Synodically met; and there will, upon the same Principle, be no Power in their Superiors to enforce Attendance, or either prevent or make up the breach. And of what Service such a Principle will be to Presbyters, who at any time may dislike the Superiority of Bishops, is too plain to need Explanation.

I don't say, That such a Separation is in the Thoughts or Desires of those in the Majority of the *present* Lower-House: I only refer it, in the first place, to the *Learned in the Law*, Whether the Clergy's being Adjourned to such a day by an immediate Act of their House (if it were once a Rule in Convocation) would not be a standing Plea in Law against all pretences of the *Metropolitan* or of any Power except that of the House, to censure their non-attendance on that day? And in the next place, it is referr'd to all the Friends of Episcopacy, whether they would be content to have our Constitution such, as shall warrant Presbyters, whenever they are so inclin'd, to throw off the Authority of their Ecclesiastical Superiors, and resolve themselves into a separate Assembly of their own?

These are no vain Fears; but, in truth, what Presbyters, disliking either the *Order* or *Persons* of their Bishops, may be apt to do, and what (it should seem) they may *legally* do, if we suppose that according to the Con-

Constitution of our Synods they Adjourn themselves by their own Act, and in virtue of a Power inherent in their own House, independent on the Metropolitan and Bishops. And it is to be hop'd, that no Man who sincerely loves Episcopacy, and desires the continuance of it, as the Apostolical and Primitive Form of Government in the Church, can be pleas'd, to see any Principle incorporated into our Ecclesiastical Constitution, that may enable the Lower-House, at their own Pleasure, to despise and desert their Metropolitan and Bishops.

The Principles on which the *Upper-House* have gone (suitable in all respects to the *original Superiority* of Bishops, as Governours of the Church) make effectual Provision against all such Schisms or Separations in an *English* Synod. As the Power of *Admonition, Suspension, Deprivation, Excommunication*, and all Ecclesiastical Censures, are known to be inherent in the *Episcopal Order*; so the Metropolitan at the Head of his Suffragans, and with their Consent, warns the Clergy by his Act of Continuation (solemnly publish'd in a Canonical way) to be present at the next Synodical Meeting. And whoever disobey, becomes immediately obnoxious to Spiritual Censures, proportionable to the nature and degree of his Offence. No Constitution in the World did ever leave it in the Power of Inferiors to withdraw their Duty and Obedience, without giving the Superiors Authority to restrain them, with a Provision of some plain and easy way for the effectual Exercise of that Authority. The Metropolitan, indeed, has Authority in his Hands; but how that can *legally* reach the Inferior Clergy for non attendance (supposing them Adjourn'd by an Act of their own, founded in an Inherent Power of the House) it is not easy to conceive.

It is true, and has been already hinted, that the Archbishop's Act, which is pass'd Above for the Continuing of Prelats and Clergy to a certain Day, is *Intimated* Below by the Prolocutor to the Inferior Clergy. The only Journals of the Lower-House that remain entire with all the *Forms* and Circumstances at length, are those of 1586. and 1588. from whence we learn in what Method the Clergy at the end of every Session have been discharg'd from their present Attendance, and requir'd to be there again on a *further* Day. It is (as has been said) one known part of the Office of a Prolocutor to convey and signify to the Lower House the Direction of the Metropolitan and his Suffragans; and (a) the *ordinary* Language of these Journals at the conclusion of each Session, is, *Prolocutor intimavit, or significavit, hanc Convocationem esse Continuatam, or Continuationem hujus Convocationis*, to such a Day and Hour: And in some Places this Continuation which he is said to Intimate, is explain'd to be the *Continuation of the President*, and to be intimated by the *Command and Order* of the President. But throughout the whole, there is not one Expression that implies a *Vote*, or so much as the *Consent* or *Intervention* of the House, in any kind. For that Phrase which we meet with in some few Sessions, *Prolocutor Continnavit quoad hanc Domum*, is so far from implying the Continuation to have been made by *Order* or *Authority* of the House, that it was (b) first introduc'd by the Prolocutor's being put into the Archbishop's *Commission* for Proroguing the Convocation; and after he had publish'd the Schedule in the Upper-House as *Commissary*, and went

(a) See the original Journals publish'd at large in the Appendix to *Synodus Anglicana*.

(b) See the *Right of the Archbishop*, p. 68. and *Schedule Review'd*, p. 62.

down to the Lower, to declare the same Act as *Prolocutor*, the Notary made use of that Phrase, with special reference to the *Lower-House*, by way of distinction from what he had been doing in the Upper just before, under another Capacity. In virtue of which Commission, he heard a Controverted Election, Examined the Witnesses upon Oath, and at last gave Judgment; without any Vote or Interposition of the *House*. But none of the seven Continuations wherein this Phrase is us'd, are pretended to be to *different* Days or Hours from those of their Lordships; on the contrary, we are sure from the remaining Extracts of the Upper-House, that all the Continuations which these Extracts mention, were to the very same time. Now, whatever be the *real* Consequences of the present Principles of the Majority of the Lower-House, and however *future* Presbyters may take the advantage of the Independence they legally warrant; yet at *present*, they who are most Zealous for this inherent Power, readily acknowledge their *absolute Obligation* to attend at the time appointed in the Archbishop's Continuation, with the necessity of having *notice* thereof from the Upper-House, in order to pay that Attendance. Accordingly, we must suppose upon their own Principles, that *notice* was sent down and given in *these*, as in all other Cases. From whence I argue, That if they were *absolutely determin'd* to a Day by the Archbishop's Continuation Above, 'tis absurd to say that any *Signification* made by the Prolocutor to the Clergy, That they were to attend on that Day, could be the Act of the *House*; since by their own Principles it was not in their Power not to attend on the Day appointed Above, and 'tis absurd to refer any Action to the *Vote* or *Consent* of Persons who are absolutely *concluded* before, and not at liberty to *Dis-sent*. And so, the Prolocutor in such Cases could have no more to do, than to *signifie* to them the Day to which

which the Metropolitan had Continued ; and that being done, their Obligation to Attend was a *necessary* Consequence of the Intimation.

The same thing is to be said of another Phrase, *Domini Continuarunt*, in the short Minutes of 1640. (one Instance excepted, where the Continuation Below is to a Day *short* of the Arch-bishop's Above, which will be clearly accounted for by and by :) All the other Continuations in that Style are to the very *same Days* with the Continuations Above ; and these, having antecedently *determin'd* the Clergy to attend on the Days specify'd, left no room for a *Vote* or *Consent* of the Clergy, nor for any thing else, but the Prolocutor's usual Intimation, to what Day and Hour the Archbishop had Continu'd the Provincial Synod. Not to observe, that this Phrase is not the Language of full and regular Journals (from whence alone we can judge of the *Forms* of Proceeding) but of very short and confus'd Minutes ; to which the proper Forms were to be added afterwards, from the Notary's own Memory and Knowledge of the establish'd Methods, when he came to frame the Proceedings into regular Journals. Add to this, that by all the Circumstances, these were really the Adjournments of *Committees* only ; (a) as it is elsewhere shown more at large. However, it is enough that they were exactly *concurrent* in time with those in the Upper-House ; because this shows the absurdity of referring them to an Authoritative Vote in the Lower, where the Clergy (according to the *present* Principles) were *antecedently determin'd* to attend on these Days.

3. No Instance then can be a proper Proof of the Clergy's Right to separate Adjournments by their own Authority, but such as have been made to Days *diffe-*

(a) See *Right of the Archbishop*, p. 92, 93. *Sched. Review'd*, p.

rent from those of the Metropolitan in the Schedules of Continuation: And if there were any one clear Instance of that kind, though it would seem very strange that there should be only one; yet it could not well be denied that that were a presumption of an Inherent Power in this Matter; as being accompany'd with no *concurrent Session* in the Upper-House, nor any probability of a *Superior Command*. But if it appear on the other hand, so far as the *concurrent Journals* of the two Houses will carry us, that there is not one clear Instance of their own Adjourning to an *Intermediate Day*, but that they are found (according to all the remaining Light and Evidence) to keep pace exactly with the Upper-House; this proves as strongly as the nature of the thing will bear, that the Clergy of former times did not think of any Inherent Power they had to Adjourn themselves *separately* to a *shorter Day*. Especially if they never exerted that Power in any one Instance, while Business of very great length and moment was depending in Convocation.

That this is really the Case, will appear from the following Deduction out of the concurrent Journals.

In the Years 1586. and 1588. we have the Journals of the Lower-House entire; and Extracts out of the Books of the Upper, specifying the time of the *Sessions* Above, in about twenty Instances: And we find, upon a Comparison, that the Lower-House Journal exactly agrees with them in all these. Add to this, that tho' the Extracts don't in many other Instances specify the *Day* on which each Session was held, yet they all along *number* the Sessions of both Convocations; and *that* agreeing with the number in the Lower-House, is as full a Proof that throughout these two Convocations (in which there were forty six Sessions) no *Intermediate Sessions* were held, as if the Day and Hour of each had been expressly mention'd; because Intermediate Sessi-

ons must of course have more or less *multiply'd* the Number in the Lower-House beyond those in the Upper.

Besides the fore-mention'd *Extracts*, there are several others in a *Private Hand*, which might probably be of great use towards bringing these Disputes to an Issue, if a sight of them could upon any Terms be obtain'd. The Owner (a great Advocate for *separate Adjournments*, as they call them) has been often reminded both in a publick and private way, how ill it becomes a Member of our Church, to see such Divisions rise and grow among us chiefly by the Loss of Records, and yet to conceal from publick view any of the Light that remains. He has occasionally cited out of them several Passages that he thought or made favourable to his Cause; but how faithfully those are cited for him, or how much any other Passages make against him, we are not to know. Only thus much we may be sure of, that these secret Extracts contain nothing to countenance *Intermediate Sessions*; because the Concealer, under all his Difficulties upon that Head, has not produc'd or pretended any thing for it. But till he think fit to make them accessible (as a Lover of Peace and Truth would have done long since) he must pardon us, if we infer from the Concealment, that they are not *less* serviceable to the Claims of the Upper-House than the Lower, in that and perhaps in many other Particulars.

But to proceed in a comparison of such concurrent Journals, as it has not been in his Power to make Secrets.

2. In the year, 1640. there were two Convocations, and the Upper-house-Acts in both of them remain entire; but we have no Accounts of what the Lower did, except some *short* and *confus'd* Minutes. These specify the time of above twenty Sessions, and all concur exactly with the Sessions in the Upper-house; two only
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excepted, the deviation of which from the *ordinary* Rule is fairly and naturally accounted for, by the *extraordinary* Juncture in which they hapned. To take them in order, the first is thus:

Ann. 1640. May 5, The whole Convocation was Continu'd in the usual Method to *May 9.* and from thence to *May 13.* according to the Acts of the Upper-house. The Minutes of the Lower say, that the Session was Prorogu'd from *May 5.* to *May 8.* and so to the 13th. The first of these two Prorogations is to day *short* of the Archbishop's in the Upper-house; the second leaps over *May 9.* which was the next Upper-house Session, to the 13th of *May*, which was the next common Session of both Houses. They who have been contending for a Right to Intermediate Sessions, and have put themselves in Possession, and held them as oft as they pleased, have urg'd the first of these Adjournments to a day *short* of the Upper-house Sessions, as a Precedent for them to do the like: but yet they disown any Right from the second, to adjourn *beyond* the day prefixt in the Upper-house; without giving any fair account, why the Minutes are a good Authority in the one Case, and not in the other. If they forego the second, because it is against the *ordinary* course of Convocation, and taken only from some short and obscure Minutes, in which the Actuary through haste might easily mistake the day; that Reason would conclude as strongly against the holding of *Intermediate* Sessions upon the Precedent of *May 8th.*

But tho' this has been press'd upon them, and they have not thought fit to favour us with any tolerable Account why the Instance is a good Authority in *one* Case and not in the *other*; they have receiv'd a very full and natural Reason out of the Contemporary Historians, (Archbishop *Laud*, Dr. *Heylin*, and Mr. *Fuller*) why it cannot be an Authority in *either*; because the Clergy
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at that time knew not whether they were a Convocation, or could act as such; nor, by consequence, whether the Meetings they held in that difficult Juncture could be reputed Synodical Sessions.

For thus it was: *May 5*, the Parliament was dissolv'd; and it was generally suppos'd, the Convocation would be dissolv'd the next day, according to Custom. But the King, desirous to have the Clergy complete the Grant of Six Subsidies which they had begun, consulted the Lord Keeper, and was told, That the Convocation might legally continue to sit, notwithstanding the Dissolution of the Parliament. With this his Majesty acquainted the Archbishop *May 6*. and commanded him to go on with the Convocation. But his Grace, finding that their Authority of sitting after the Dissolution of the Parliament was question'd by several of the Members, mov'd his Majesty to direct his Council Learned in the Laws to deliver their Judgment upon it; which they accordingly did, That they were still a Convocation in virtue of the *Provincial Writ*. And the first Commission being limited to that Session of Parliament, a new one bearing date *May 12*. was issu'd, and brought-in *May 13th*; when, according to the Journals and other Histories, the two Houses were settl'd again, and proceeded to Business: * *So we proceeded* (says the Archbishop) *according to the Power given us under the Broad Seal*. And Dr. Heylin says, *Encourag'd by the Resolutions of the King's Council, and a new Commission, they setl'd to their Work again on Wednesday the 13th*. And Mr. Fuller: *Now their disjointed Meeting being set together again, they betook themselves to consult about new Canons*.

* See this History at large, and the following Passages out of it, in the *Troubles and Trial of Archbishop Laud*, p. 79. Dr. Heylin's *Life of Archbishop Laud*, p. 429. Fuller's *Church-history*, p. 168, 169.

In the mean while, during these Doubts whether they were a Convocation or no, they frequently came together ; tho' neither the Register nor Minutes take any notice of it. *Fuller*, who was a Member, says, they met May 6. *Next day after the Dissolution of the Parliament* (says he) *the Convocation came together.*——And *Dr. Heylin* tells us, *The Convocation was adjourn'd from Wednesday [May 6.] till the Friday following [May 8.] and then till the next day after [Saturday May 9.] and so till Monday [May 11.]* On all these Days the Bishops and Clergy met ; not with a design to Act as a Convocation (for they knew not yet whether or no they were a legal Convocation, and were sure that the Old Commission expiring with the Parliament, they had no Power to proceed in the Business for which his Majesty continu'd them) but they came together to consult what was fit and proper to be done at that difficult Juncture. And the confusion they were in, with the uncertainty whether they were a legal Convocation, is the plain Cause why their Proceedings, particularly the times of Meeting and Continuing in this Interval, are enter'd with that seeming Variety in the Journal of the Upper-house, compar'd with the Minutes of the Lower.

For a yet fuller Proof of the Doubts and Uncertainties they were under, take the further Authority of Archbishop *Laud* : *When I desir'd a Writ to dissolve them* (says he) *his Majesty gave me an unlookt for Reply.* And afterwards, *I reply'd, it would be excepted against in all likelihood by divers, and desir'd his Majesty to advise well upon it.* *Dr. Heylin's Words* are these, *Whereupon, the Convocation was adjourn'd from Wednesday till the Friday following, and then till the next day after, and so till Monday ; to the great amazement of many of the Members of it, who expected to have been dissolv'd when the Parliament was.*——And *Mr. Fuller* says, That even after
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they had receiv'd the new Commission, *Thirty six of the Members earnestly protested against the Continuance of the Convocation, and importunately press'd that it might sink with the Parliament.* Was it ever known before, that an Instance at such a Juncture, contrary to the custom of all other Times, could be urged or receiv'd as a proper Authority, from whence to take the measures of our *Constitution* in Church or State?

The other Instance of an *Intermediate Session*, was a juncture of no less *Difficulty*, tho' of another kind.—

Dec. 19. the whole Convocation (according to the *Upper-house-Acts*) was Continu'd in the usual manner to *Jan. 13.* But the Minutes of the *Lower-house* say, That the Continuation there was from *Dec. 19.* to *Dec. 23.* and so to *Jan. 13.*

In the Parliament, with which this Convocation fate, broke out that terrible Persecution of the Archbishop and Bishops; so fatal afterwards to them, their Order, and the whole Establishment of the Church. I will subjoin a few Testimonies from the best Historians of that time.

Nov. 28. *Pryn, Burton, and Bastwick* (who had been Censur'd in the Court of *Star-Chamber* for Libels against the Hierarchy) were brought to *London* in Triumph.

Dec. 11. Alderman *Penington* Exhibited a Petition against Episcopacy and Church-Discipline, subscribed by 15000 Hands; and thereupon many Speeches were made against the Bishops, in both Houses.

Dec. 15. The Canons of 1640. were condemn'd; for which the Bishops were *Impeach'd* afterwards.

Dec. 18. Archbishop *Laud* was *Impeach'd*, and taken into Custody of the Black Rod; in whose
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Custody he remain'd a Prisoner till *March 1.* and was then sent to the *Tower*.

Dec. 19. The Bishop of *Ely* (*Dr. Wren*) was Impeach'd of High Treason.——That Day the Upper-house Continu'd to *Jan. 13*; Lower-house to *Dec. 23.* and from thence to *Jan. 13.*

To so high a degree had the Prejudices against the Order been industriously rais'd and fomented, that it was not safe for the Metropolitan and Bishops to sit in Synod; nor had they come together since the 14th of *November* (almost a Month before that Adjournment was made,) the Archbishop, all that while, only Continuing the Convocation by a Commissary, in the usual Form.

The Episcopal Order being reduced to these Extremities, there seems to have been a Party in the Lower-house who were influenc'd by the Parliament, and had as little regard, as the Faction in the State, to the Authority of the Archbishop and Bishops. Which I gather, not only from observing that several who were then Members came afterwards openly into the Measures of the Parliament for the overthrow of the Church; but also because in this very Convocation we find them treating in the Lower-house about *Doctrin, Ceremonies, Ordination*, and other Church-matters, without *License* from the Prince, and without the presence of the Archbishop or Bishops.

But whatever Disposition was among the Clergy, it is certain the Confusions of the State and the Calamities of the Church were very great. The Archbishop under Confinement, one of his Suffragans Impeach'd, all the rest under such Terrors and Threatnings as made it unsafe for them to appear abroad, and the Discipline and Establishment of the Church upon the brink of Ruin; amidst these Distractions, what wonder is it
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to find Practices not warranted by the Usage of more quiet and peaceable Times? In extraordinary Cases, unusual Liberties are taken, and sometimes with Reason. But there could be no settled Order, if one instance of a Liberty which such Confusions may occasion, should be judg'd a sufficient foundation of *Right*, and become a part of the Constitution, however contradicted by current usage and the establisht course of Proceedings. In all *other* Cases, the measures of *Right* and *Privilege* are taken from the common or ordinary Practice; and if there happen to be one Instance contrary to that, the occasion (tho' unknown) is *presum'd* to have been extraordinary: And much more ought we to conclude so in the present Case, when common Practice is not only known to be otherwise, but the Deviation from it is naturally accounted for by Historians, of the same time, and of unquestionable Authority.

These two Exceptions being remov'd, all the other Sessions in 1640. (exactly *concurrent* in time with those in the Upper-house) may be added to the like concurrent Sessions in 1586. and 1588; as a further Proof that the late Claim and Practice of *separate Adjournments* and *intermediate Sessions*, are against the Usage of an English Convocation. But,

3. That which puts the Practice of Convocation (as to this concurrence of Sessions in the two Houses) beyond all dispute, is a Register of the Upper-house in 1661. compar'd with the contemporary Minutes of the Lower, in which the Adjournments and Sessions are particularly enter'd. The pretence for the present Claim of *Intermediate Sessions*, is, the preparation of Business against the Synodical day; but tho' in the Convocation which begun in 1661. the whole *Common Prayer* was Revis'd, several *Prayers* and *Services* added, many *Canons* and *Constitutions* compil'd, and other Matters of great Importance transacted, and tho'

the Clergy (* as appears from the original Register) had a constant share in revising and preparing ; yet in 120 Sessions and upwards there is not one *Intermediate*, but all the Adjournments in the Lower-house are exactly to the same Day and Hour with the President's Continuation Above.

From whence I draw the following Inferences,

1. If *Separate Adjournments* and *Intermediate Sessions* had at that time been thought the *Right* of the Lower Clergy, it is not credible that Business of so great length, variety, and importance, should be prepar'd and finish'd, without exerting this Power in one instance at least.

2. They could not then be ignorant of the true *Rules* and *Methods* of Convocation ; because some of the most considerable Persons in both Houses had been also Members in 1640.

3. If so much Business could be regularly and effectually dispatch'd (as in Fact it was) without *Intermediate Sessions* ; this proves the late pretence of a necessity thereof to the Proceedings and even the *Being* of Convocation, to be very groundless.

4. The ordinary way of fitting and preparing all the Business of that time, was in *Committees* : And therefore the Proposition lately made by our Metropolitan and Bishops, That the Lower House might meet in *Committees* and prepare Matters, in the Intervals of Sessions, was exactly agreeable to the Custom of Convocation, and an effectual Provision for the dispatch of Business in the Lower-house. Especially, with this additional Concession, That on the *Synodical* Days they will not ordinarily insist upon a discharge of the Clergy by the Prolocutor, *immediately* upon his receiving the Schedule ; but give him leave to respite it till he see the

* The original Register is publish'd in the Appendix to the *Synodus Anglicana*.

Business of that day at an end. As to the *Power* of *dismissing* them immediately, if they see cause; the reservation of that to the Governours of the Church is absolutely necessary: Unless we would have *Episcopal* Presbyters so independent on the Superior Order, as to proceed Synodically in what Manner, upon what Business, and to what Degrees, they please, in defiance of their Metropolitan and Bishops. Whatever Opinion any Man may have of the *present* Clergy, he cannot foresee of what Spirit *future* Presbyters may be; and it would be a strange Thing in an *Episcopal* Church, to see Presbyters carrying on Debates (suppose against the Episcopal Order, or the Establishment of the Church) and no *Superior* Power in the Church to controul or separate them.

If they say, that in such a Case it will always be in the Power of the *Prince* to break off their Debates: We reply, That it is as much in the Prince's Power to restrain any Archbishop from making *long* Continuations, whenever the Good and Interest of the Church shall require *short* ones; which is the great Danger they pretend from such a Trust in the Metropolitan's Hands. But if this Superior Power of the Prince be a sufficient Provision against any Abuse of *Liberty* by the Clergy, it is at least as good a Provision against the Abuse of *Authority* by the Metropolitan.

IV. *Una cum ulteriore Continuatione & Prorogatione dierum extunc sequentium & Locorum (si oporteat) in ea parte fiend'.*

From the most natural meaning of the Clause immediately preceding this, it plainly appears, that the Schedule Continues the Convocation, with all the Members and Business of it, *in the present State*, to a certain Day therein specify'd. And as the Archbishop by his 1st Sum-

Summons requires their Attendance on a *fixt* Day, with the addition of any *further* Day to which he may see it necessary to Continue them; so, we see, every Schedule and Act of Continuation *Asserts* and *Recognizes* the Power of the Metropolitan (when that *further* Day comes) to make a yet farther Continuation; as the Business of the Synod, and the Affairs of the Church may require. Which I need but just mention here, to *complete* this Commentary upon the Schedule; because the *Force* and *Meaning* of that Clause (as it stands in the Archiepiscopal Summons, and is recited in the Royal Writ of Prorogation) are so particularly explain'd in the beginning of this Paper.

BUT I must not omit a distinction lately fram'd to warrant *Intermediate Sessions* of the Clergy, and in some sort to reconcile them to the Schedule, tho' that (as we have seen) Continue the Clergy, as well as Prelats, *in the State they then are*, to a further Day. It is said, That the Clergy Summon'd to Convocation, may sit and act as Members thereof in a double Capacity, *i. e.* *Synodically*, and, *As a House*: Meaning by the *Synodical Session*, their meeting on the common Day, to which the Bishops and Clergy are Continu'd by the Archiepiscopal Schedule, and on which the present Clergy profess themselves willing to Attend: But then they say, that *as a House* they are left to their own liberty of Sitting and Acting in the *Intervals*, and are not affected in that Capacity by the Continuation Above.

Which Distinction might be in some measure serviceable to their Cause, were it consistent either with the nature of *Provincial Synods* in general, or with the particular Usage and Constitution of an *English Synod*; but agreeing with neither, or rather contradicting both, the distinction is meerly Notional, and such as can have

no Authority in the Decision of Legal Rights. It is no new thing among *Speculative* Men, to frame a Variety of Schemes for the more perfect Government of Church or State ; and the Schemes being their own, they may consider the Legislative Body in each, under as many different *Views* and *Capacities* as their Fancy shall suggest. But when we are speaking of the present *Rights* in an Establish'd Constitution ; the Question is not, into how many Forms a working Fancy may mould the Constitution, but *where* it is that *Law* and *Custom* have plac'd the Right.

As to the Constitution of Provincial Synods *in general*, it is well known, that the Presence of the Metropolitan is absolutely necessary to make it a Synod, and that no Members of such a Synod did in any Age of the Church ever attempt to hold a Session without him. The addition of the *Inferior* Clergy to an *English* Provincial Synod may in other respects have made some Changes in the Proceedings of it (and whatever Privileges the plain Practice of former Convocations will give them, are readily own'd and granted by the Archbishop and Bishops ;) but since it is a peculiar Honour which they enjoy above the Presbyters of any other Church, to be necessary Members of a Provincial Synod ; they ought in Reason to submit to the establish'd Methods of such a Synod ; at least, when Custom is the only Title by which they are Members of Convocation, they should in Prudence pay so much regard to the Goodness and Authority of that Title, as to suffer it to determine what are the regular Methods of Acting in it.

In the present Case, it is the Usage of an *English* Synod, that the Metropolitan Summon it to meet, That he Preside in it when met, and (as the Tenor of the Schedule plainly shows) That at the end of every Session he Continue the Prelats and Clergy in the State they
then

then are to a farther Day. The natural Meaning of which is, that the *Clergy*, as well as Bishops, are incapable of holding a Session till that Day : and they who condemn this Meaning, and contend for any other, ought to show that this is disagreeable, and their own agreeable, to the Usage of Convocation. It also lays upon them, to find some good reason how the Clergy, who are Continu'd in the same Terms, and by the same Act with the Bishops, came by a Liberty, which the Bishops have not, to hold a separate Session in the mean time. The Schedule of Continuation evidently puts them in the same State during the Intervals, and the foregoing Deduction of *Concurrent* Sessions in the two Houses (especially in 1661. when so much Business was depending) proves the Clergy of former times to have been govern'd by that plain and *genuine* Meaning of the Schedule; pretending to hold no Sessions, but under the Presidency of the Metropolitan, and in conjunction with their Bishops.

That the Lower-Clergy, when regularly met, have the denomination of a *House*, and a Right to separate Debate, is not deny'd ; but the Question is, Whether they can regularly meet as a *House* and hold a Session, on any Day but that to which the Metropolitan Continues them? We see, the Act of Continuation suspends *their* Sessions, as much as those of the Bishops ; and there is no one clear Instance in any remaining Journals of the Clergy's opposing the Tenor of that Act, either by Word or Practice : On the contrary, their Compliance with it is fully prov'd, as far as the remaining Records will carry us.

But let us suppose, that no Records were remaining, besides the Schedule of Continuation ; it is as clear as Words can make any Thing, that by this, all *Intermediate Sessions* would be excluded : And the Argument is much stronger, when that Sense of the Schedule is confirm'd

firm'd by the *Practice* of Convocation, and we find that in a long course of Business, where one would most naturally look for such Sessions, no mark of them appears. From whence I conclude, that the distinction between the Clergy's meeting *Synodically*, and *as a House*, is altogether Groundless; because by the Law and Custom of Convocation they can never hold a Session, or be a *House*, but on the *Synodical* Day appointed by the Metropolitan for that end. It is therefore a strange way of reasoning, to prove the Right to Intermediate Sessions by a Distinction, for which Distinction there is no legal Ground without a *Previous Supposition* of such Sessions.

The Practice in Parliament, where the Sovereign leaves the two Houses to their own Adjournments, has been pleaded in this Case: But we have sufficiently shown, that this neither is, nor can be, the Usage of a Provincial Synod of Bishops and Presbyters. The Metropolitan must be present to make a Synod: The Clergy are constantly *suspended* from Acting till the further Day, which he shall appoint: As Presbyters of an Episcopal Church they can make no Appointments of their own, nor have any Authority over one another: In Fact, there is not one clear Instance that they ever attempted it till these Times of Irregularity; nay, the remaining Acts of Convocation prove the quite contrary. On the other Hand, it is no less clear, that as the two Houses of Parliament consist of Persons no way incapable of governing their own Bodies; so it is the Custom there, for the Sovereign to leave them to their own separate Appointments, and for the two Houses to Adjourn themselves at Pleasure independent of each other, and without any mutual knowledge or notice of the Times to which they Adjourn. This is the *Regular* Proceeding of Parliament, because Usage has made it so; it is *Irregular* in Convocation, because Usage, -as

well as the Character of the Members, determines the quite contrary.

It is no hard matter (if Men will set themselves about it) to observe several *Likenesses* in Governments, very differently Constituted; and when that is done, to draw parallels between them, and make the most probable Conjectures they can, concerning the *original* of particular Customs. This, I say, is a very innocent Entertainment; no Constitution being alter'd, nor any Man's Claim or Property affected by it. But when a particular *Right* comes to be contested among the Members of any Body, such *general Resemblances* are not regarded in the determination, but a strict Enquiry is made into the *Law* and *Custom* of the Body in that particular Case.

They who would introduce Proceedings into Convocation, because they are us'd in Parliament, have been often ask'd, Whether the use of any Custom in Parliament, be enough to make it a *Rule* in Convocation? In answer to which, they have freely own'd, that it is not, and that they are far from pretending to equal Privileges with the Honourable House of Commons. But they would never say (tho' often press'd to it) how it comes to pass that their pretended Alliance to Parliament entitles them to *some* Parliamentary Privileges and not to *others*? Why to these they claim, more than to all the rest? If it be their Opinion, that some Usages, now establish'd in Convocation by long Practice, were *originally* taken from the like Usages in Parliament; they are at liberty to think in that matter as they please: But whatever was the *Occasion* or *Motive* upon which they first began to be practis'd, it is upon *Custom* that they are now become *Rules* in Convocation. And he who shall say (without regard to former Practice) that this or that Usage of Parliament ought to be a Rule in Convocation, because perhaps it suits his Fancy, or falls in

in with the Scheme he has laid, is really making a *new Constitution*, and not reasoning about *ancient Rights*.

I will only add, That the present Majority of the Clergy have openly claim'd Powers and Privileges which set them in some respects *above* the Honourable House of Commons: Such are, *A Right in the Prolocutor to give an Oath*; with a *Right in the House to Choose their own Actuary or Clerk*, and to set up a *Deputy-Prolocutor* to moderate their Debates in the Prolocutor's Absence; and all this by their own Authority, without the privity of the Archbishop or Bishops. But this by the way.

Having so particularly explain'd the Schedule, and confuted the Arguments by which some of the Clergy have endeavour'd to evade the true and natural Sense of it; I may have leave to affirm, That the late Claims of *Adjourning separately* and holding *Intermediate Sessions* pursuant to such Adjournments, are, 1. Against the plain Meaning and Purport of the Schedule, which Continues the Prelats and Clergy, joyntly and equally, in *the State they then are*, to the next Synodical Day. 2. Against the Language of the entire Journals of the Lower-House; which shows, that the usual way by which the Clergy have been discharg'd from present Attendance, has been the Prolocutor's *Intimating* to them that Continuation; without any Marks of *Consent*, either ask'd by the Prolocutor, or given by the House. 3. Against the *Practice* of Convocation, which has been, to hold *Sessions* in Conjunction only with the Upper-House, pursuant to that Intimation of the Prolocutor; and if Business was to be prepar'd, to do it in *Committees*, during the Intervals between such Sessions. 4. Against the known Power of the *Metropolitan*; whose Right it is, as President of the whole Convocation, to Preside in *every Session*, either Personally or by a Com-

missary deputed specially for that end. 5. Against the *Episcopal* Rights; the chief of which is, to be Superior to Presbyters in Order and Authority, and that no *Censures* shall be inflicted, or Co-ercive Power exercis'd in the Church, but either immediately by them, or by an Authority deriv'd from them: Whereas in these new Claims and Practices, Presbyters take upon them to give solemn *Admonitions* in virtue of their own Power, and to exercise Authority over one another, without the Commission, or even Knowledge, of their Ecclesiastical Superiors. 6. Against the Character of *Episcopal Presbyters*; all whose Proceedings as such (and especially in a Provincial Synod) ought to be in *Subordination* to their Ecclesiastical Governours; but by these late Principles, they set up a Government within themselves independent on the Metropolitan and Bishops. And if they make an Authoritative Appointment of Sessions, and then hold them separately without the Presence of any Superiors, and have an Inherent Power in their own Body, by which the Sessions are held and manag'd, they may on such Days be much more properly term'd a *Presbyterian Assembly*, than Members of a Provincial Synod of Prelats and Clergy. Nor would it easily enter into the Thoughts of any Man, upon seeing the Sessions in one Journal so far exceed those of the other in Number (as upon a Supposition of *Intermediate* Sessions they must do, and in Fact have done) none, I say, would imagin that both could be the *Acts* of one and the same Provincial Synod, call'd by the same Summons, to proceed joyntly under the same common Head or President.

To ballance these uncanonical and mischievous Consequences of the Lower-house-Claims, those of the Upper are also charg'd with divers Inconveniences; which have been variously aggravated, but all terminate in this, That the Power of Proroguing, asserted to the
Me-

Metropolitan, enables him to *defeat* all the Ends of Convocation, especially as to the Inferior Clergy; either 1. By shortning the Sessions, and denying them time convenient to *Prepare* any Matters which they may take into their Consideration; or 2. By making such long Continuations, as may deprive them of proper opportunities to report it.

To the first of these, The want of Time convenient for the preparation of Business; a full and clear Answer is return'd already, That however they may be *cut off* or *interrupted* on the Synodical-day (which yet is not to be presum'd, unless some extraordinary occasion be given) the preparation of Business is sufficiently provided for by *Committees* meeting in the Intervals; according to the late Proposition made to the Lower-house by their Lordships, and as it was practised in the preparing and ripening of all that Business throughout the Convocation of 1661.

The second Objection, That it empowers the Metropolitan to make such long Continuations, as may deprive them of proper opportunities to report Business, shall be consider'd with regard, 1. To *Government* in general. 2. To the *particular Case* before us.

1. With regard to *Government in general*, it must be remember'd, 1. That in all Government, whether of Church or State, an ultimate *Trust* is of necessity to be lodg'd somewhere; and whomsoever the Constitution makes Superior, in him that Trust is of course vested; or rather, he becomes Superior by having such a Trust vested in him.

2. Altho' there can be no *absolute assurance* that a Governor will not *abuse* his Trust; yet the *possibility* of his abusing it was never thought a sufficient Reason, either why it should not be lodg'd in him at first by the original Constitution, or be afterwards taken from him; because in *some* hand it must be, and there cannot in
any

any hand be an *absolute Security* that it will not be abus'd.

3. By the Laws and Constitution of the English State, the Trust is lodg'd in *One, viz. the Sovereign*; and the true Friends of our establish'd Constitution always show, against the Suggestions of *Dangers* and *Inconveniences* rais'd by factious and designing Men, that the Inconveniences of both Sides being put in the balance, there is greater *Safety* and *Advantage* in this, than in any other Form of Government that they would set up or recommend. On the other hand, the Favourers of a Common-wealth have always endeavour'd to possess the People with an Opinion, that the *Execution* of the Laws, and a Power of stopping that Execution or perverting it to the ruin of the People, is too great and weighty a Trust to be lodg'd in the Hands of a *single* Person. Particularly, the Power of Proroguing and Dissolving Parliaments has ever been the great Topick upon which Distrusts and Jealousies and these *Possibilities* of Mischief, have been improv'd and propagated. Once, we know, their Endeavours succeeded, and it was put out of the Power of the Crown to separate them; but the terrible Effects, both in Church and State, which follow'd upon that Experiment, have sufficiently warn'd us against listning to such popular Clamours, and shown how much safer that Trust is in the Hands of *One* than of *Many*.

4. However *States* may be at liberty to *transfer* or *restrain* any Power, according to the measures of *human* Policy, and the circumstances of *Times* and *Things*; in the *Church*, the Power is otherwise settl'd, and the perpetual Government thereof committed to the Bishops, with an Inferior Order of Presbyters, to be subject to them, and to act only by an Authority deriv'd from them. If then the Civil Power in any Nation shall enable Presbyters to exercise Jurisdiction over one another,

ther, and to set up a Government within themselves independent on the Bishops; so far, in proportion to the degrees of Independence, they render it an *Un-Episcopal* Church, and presume to make the Government of it wiser and more perfect, than that on which it was founded at first.

Among the Bishops (as Governors of the Church) there has been, as far back as History will carry us, One above the rest, entrusted with the Execution of Ecclesiastical Laws, and with this particular Power of *Summoning* Synods and *Presiding* in them; who, from his Residence in the chief City of the Province, was call'd the *Metropolitan*. The Pre-eminence of which Office is styl'd *Ancient*, even by the Council of *Nice*; and is prov'd by the learned * *Dr. Beveridge*, to descend, if not by positive Institution, at least by Example and Imitation, from the Apostles themselves. That single Person is the Center of Unity to his Suffragan-Bishops: and therefore the Puritans of this Nation, to carry on their Designs of dissolving and abolishing Episcopacy, set out with Objections against the *Metropolitcal* Power; by the destruction whereof, as they very well knew, the united Interests of the Church would of course be dissolv'd, and an easy passage made to the destruction of the Order of Bishops, and the whole Establishment with it. But Bishop † *Bilson*, and other learned Divines of our Church, saw the pernicious effects of diminishing that ancient and necessary Authority; and therefore they defended it against the Puritans, with the utmost Zeal, upon its primitive Antiquity, with the Re-

* *Codex Canonum*, cap. 5.

† See a late Paper, entitl'd, *The Parallel Continu'd*; shewing several of the present Arguments against the Power of the Metropolitan, to be the very same which the Puritans advanc'd, and Bishop *Bilson*, &c. confuted.

verence it has ever had in all Episcopal Churches, and the evident necessity and advantage of it towards supporting the common Interests both of Bishops and Clergy.

II. With regard to the particular Case before us, and the pretended Dangers and Inconveniences of a Power in the Metropolitan to Prorogue an English Synod, I observe,

1. That if it be vested in him, as Metropolitan, by the Constitution (which, I think, appears sufficiently from the Schedule of Continuation, and all the circumstances of Executing it) the *Safety* and *Convenience* of it is to be in reason *presum'd*, till we find the contrary in Experience. It is not the *Power* that the Danger lies in, but the possibility of *abusing* it to the detriment of the Church: and our having had no Metropolitan, in so many hundred Years, of a disposition to injure the just Rights of the Church or Clergy, is a good reason why we should not distrust the future Care of Providence over us.

I know, the *Oppression of the Clergy* has of late been a loud Clamour among some Men; but if (as we have prov'd) the Archbishop and Bishops have been only defending such Rights of their own as they conceiv'd necessary to the Being of Episcopacy, all the Clamours of that kind are unjust and *malicious Slanders*, and the Proceedings of some in the Lower-house, a course of Irregularity and Undutifulness; to give them the gentlest Names.

2. Altho' the Continuation, by the Tenor of the *Schedule*, be the Act of the Archbishop alone; yet our present Metropolitan has never executed it, but with the express *Consent of his Suffragans* assembl'd in Synod; as appears from the Entries of that Act in the original Registers, at the conclusion of each day's Session: So tender has he been in the Exercise of his Power, and so far from encroaching upon the Privileges of others.

Nor

Nor did the Writers in behalf of his Grace's Authority, ever undertake to determine how far the *Custom* of asking the Consent of his Suffragans, may by this time have made it necessary ; but always wav'd the decision of that, as a Point which had not the least Influence upon the Heads in Controversie, *viz.* upon the Separate Adjournments and Intermediate Sessions of the *Clergy*. But yet, as if his Grace had all along Continu'd *without* the Consent of his Suffragans, and the Asserters of his Power had *expressly deny'd* the Right of the Bishops to Consent upon the foundation of Custom ; those of the Lower house have not only made the World believe, that his Grace claims and exercises the sole Power of *Adjourning* without any limitation, but have openly reproach'd his Suffragans upon this Head for permitting their Rights to be invaded ; tho' the same Clergy know, that these very Suffragans have had the utmost share that Custom can give them (*i. e.* their *Consent*) in every single Act of Continuation at which they were present.

But the concealment of this, serv'd a double end. The present Proceedings of the Archbishop in Convocation were to be represented as *arbitrary* in themselves, and *dangerous* in the consequence : And they saw that his acting *singly* would look like a Contempt even of his own Brethren, and be thought a considerable Aggravation. Again, their Design was, to bring over the *Bishops* to join with them in their new Claims : but in that they have been exceedingly deceiv'd ; their Lordships being so far from thinking any of their Privileges in danger from the *Archbishop*, that all, except three, have Zealously concur'd with him in the whole course of this Dispute ; as believing the *Episcopal* Rights and Authority to be more nearly concern'd, than the *Metropolitanical* as such.

3. Suppose his Grace were under no Restraint from his Suffragans ; he is always under the Directions of a King or Queen who has the Supremacy. And though they cannot *Continue* the Convocation, because it is a *Canonical Act*, and must be done in a *Canonical way* ; yet the Sovereign may determin, as oft as there is cause to interpose, how *short* or how *long* the Continuations shall be, and has a Right to be obey'd by the Archbishop. If therefore in any time to come, the Province shall be put under the Government of such a Metropolitan as this Church has not yet known, that is, one *dispos'd* to injure the Church and Clergy by an *abuse* of his Power ; this Branch of it will enable him to effect nothing, except it fall out that the Sovereign is of the same Disposition.

4. Suppose the Metropolitan to have no Restraint either from the Prince or from his Suffragans ; nay, suppose he had the *Help* and *Concurrence* of both, towards carrying on all the Mischiefs to the Church which such a Right could possibly enable him to work ; what is it that an Archbishop, so dispos'd and so assisted, could do in virtue of this Power ? I say *in virtue of this Power* ; for, without doubt, by *other* Branches of the Authority vested in him, he might in a few years do considerable Mischief to the Church ; and yet the *possibility* of misapplying them was never thought a Reason why they ought not to be *trusted* in his Hands. But our present concern is only with the *Power of Continuing*, how far *that* would enable him to prejudice the Church ? If we will believe the * *Narrative* of the Lower-house, the trusting any one Man with such a Power would draw after it immediate Ruin and Destruction : *The whole establish'd Ecclesiastical Constitution will depend so entirely upon his pleasure, that should he so think fit, he a-*

* *Narrative of the Lower-house*, pag. 5.

lone might effectually give it up to alteration or destruction. But such imaginary Dangers are rais'd, only to affright and amuse unwary Readers, who may not attend to the natural connexion and consequence of Things. The *whole Establishment given up to alteration or destruction* by the advantage of this Continuing Power! How, I pray? Does that Power enable him to *Alter or Repeal* either *Civil Statutes* or *Ecclesiastical Canons*? And is not the *establish'd Constitution* contain'd in these? Does his Continuing the Convocation, Continue the Ecclesiastical Courts and Proceedings in every Diocese? Or does it any way affect or *suspend* the Laws in being or the Execution of them? Not in the least. Let the worst-dispos'd Archbishop make the *most* of that Power, and have it *absolutely* in his own Hands, without Restraint either from the Prince or his Suffragans; it could but enable him to prevent the making of *new Canons* during his own Life: and throughout this Age and the last, the Church has in several Periods not only subsisted, but flourish'd as much as ever, under the influence and execution of her establish'd Laws, without receiving or needing the least Assistance from the Legislature, in many Years together.

I am as little for the *Disuse* of Synods, as they who make them *necessary Attendants* upon our Parliaments, and who have told the Parliament that how *oft* or how *long* soever they meet and sit, they have a Right to be *Attended* by a Convocation. But I could never think this Principle, if it was true, any Branch of the *Liber-ties* or *Privileges* of the Church. A *Privilege to Attend*, (that is, a *Privilege* to wait and be in the way upon a possibility of being wanted) was always with me a Contradiction in Terms. Nor could I ever think it for the real Interest of the Church and Religion, that Attendance of any kind should draw such a number of the most eminent Clergy from their Cures, except

upon the plain *Necessities* of the Church: And this cannot so frequently happen, after her Doctrin and Discipline, with regular Courts for the maintenance of both, are all establish'd by Laws and Canons. And in Fact, since the *Restoration*, the Church was not thought to need a sitting Synod for twenty Years together and upwards; as also between that and the *Reformation*, we find large Intermissions of many Years, in which little or no Business of an *Ecclesiastical* Nature, but only the granting of Subsidies, was consider'd in Convocation: A due Execution of the *standing Laws* and *Canons* being found a sufficient Provision for the Peace, Order and Discipline of the Church.

In *such* Circumstances, a Discharge from Synodical Attendance by long Continuations, will be acknowledged an *Ease* and *Advantage* to the Clergy; whose Cures and Jurisdictions ought not to lose the Benefit of their Presence, except the publick Affairs of the Church require it. And at Times when they do *not* require it, I hope, the Constitution is safe enough, with the *Power of Continuing* or Suspending Synodical Business, in the Metropolitan's Hands.

But suppose, what has never hapn'd and we may hope never will, that there should be a Prince, a Metropolitan, and Bishops, all Unfriendly to the Interests of the Church, at a Time when long Continuations, without doing Business, would be Inconvenient; yet still there is a very great difference between the temporary Inconvenience of wanting for the present some Improvements or Regulations that might be made in our Discipline, and (what they pretend) the utter *Ruin* of the Ecclesiastical Constitution: This latter cannot happen, while the Laws in being have their free Course (which Course is not stopt, or hinder'd, or in the least affected by this Continuing Power;) and should it ever happen, that both Civil and Ecclesiastical

cal Governours join in such a Combination as to *Synodical* Matters, the *Being* of our Constitution is sufficiently secur'd and supported by the standing Discipline of the Church, till a more favourable opportunity for Improvement and Reformation may be had. And if Abuses happen to creep into the Spiritual Courts, and (which is more than we ought to suppose) the Bishops of any Age neglect to reform them, upon their Clergy's Complaint for want of Justice and Protection; Appeals in all Causes lye to the Superior Courts: as the Inferior (upon such neglect) would fall under the Regulation of the Legislative Power, when Abuses should grow into an Obstruction of the Course of Justice, and an Oppression of the Subject. But so far were former Times from distrusting the Zeal and Vigilance of the Bishops, that when Abuses in any Diocese were complain'd of in Convocation, the Care of reforming them was ordinarily committed to the Bishop thereof, by the Metropolitan and his Suffragans; and that was thought by the Clergy a *sufficient* Answer.

The Result is this: *English* Metropolitans, *hitherto*, have been *Patrons* of the Church and her true Interests: If any one *hereafter* should prove otherwise, the Prince and the Suffragans are Restraints on each Hand from any Abuse of this Continuing Power: If all these should agree, the utmost that could be effected in virtue of such a Power, would be an Intermission of Synodical Business while the Agreement holds: During many such Intermissions (chosen both by Bishops and Clergy) in this and the last Age, the Church flourish'd, and Religion was safe, under the Protection of the Establish'd Discipline: And if what is so unlikely, should ever happen (*viz.* some one Metropolitan hindring Synodical Business, when it would be for the Benefit of the Church) this can amount to no more than a *temporary Inconvenience*; the Being and Constitution of the Church resting safely upon the Foundation of former

mer Laws, which this *Continuing Power* can neither *Repeal*, nor *Suspend*, nor any way *Invalidate*.

Now, if Inconveniences, so unlikely to happen, and so inconsiderable when they do, should be allow'd a good reason why Power is not to be *Entrusted*, or the Trust to be *remov'd*; no Authority can be supported, nor Laws executed, in any Government, Ecclesiastical or Civil.

It were easy to show, how the same kind of *Trusts* are settl'd in the Constitutions of *Inferior Societies*; where the Power to Appoint publick Meetings, to Preside in, and to Separate them, is often left to the Prudence and Authority of a single Person. And yet it is plain, that the publick Interest of the Body might suffer extremely, if that Person should deny convenient Opportunities of meeting as a Body, or (which is the same Thing) of Acting and Proceeding when they are met. But the Law reasonably *presumes*, that He who is so Entrusted, being himself part of the Body, and having at least an equal Interest with the rest in the *regular use* of that Power, will not Abuse it.

It may be more to our present Purpose, to observe, that as these *Possibilities of Mischief* have been made a standing Objection by Republicans, against Trusting our Monarchs with the Power which the Constitution of the State has given them; so it is no *new* Thing with the Enemies of our *Ecclesiastical* Constitution, to turn the same Argument against the Metropolitan's Power in the Church. The *Puritans* (as we have observ'd already) contended earnestly for an entire Abolition of it, and an *Equality* among the Bishops; and inveigh'd much against what they call'd the *Ambitious and Tyrannous Dominion of Metropolitans*; but these Clamours were Confuted and Silenc'd, from *Reason* and *Antiquity*,

ry, by some of the most learned Men of Queen Elizabeth's Reign. And long before that time, the Papists, Envyng as well as Fearing that Authority in the Hands of a Protestant, represented one Branch of it to King Henry VIII. as highly dangerous to the Constitution and Discipline of the Church.

The Case was thus: In the Year, 1535. Archbishop Cranmer issu'd a Monition, requiring the Bishop of London, the Abbots, Priors, &c. to appear before him at a Visitation, which he intended to hold at St. Pauls. But Stokesley, then Bishop of the Diocese, and a profess'd Enemy to Cranmer and the Reformation, protested against the Authority of the Monition, for this among other Reasons, * *That therein the Archbishop did expressly intimate and signify, that he would in his Visitation suspend all the Jurisdiction of the Bishop, the Dean, and Archdeacon, from the beginning thereof to the ending: And his Reasoning upon the Consequence of such a Power, is to this effect, That the Archbishop need only to Visit every Diocese of his Province, and Continue the Visitations from Time to Time; and he might by that means keep in his own Hands the Jurisdiction of the whole Province, as long as he pleas'd: So that (says he in his Appeal) He only, and no other, should be Bishop, but Titularis, in all his Province, during his Life, but at his Pleasure.* Which Inference is in some measure true, supposing an industrious misapplication of such a Power to the worst Ends that could possibly be effected.

The Archbishop reply'd only in general, That this suspending of the Jurisdiction of Bishops, &c. during his Visitation, was no more than his Predecessors had usually done in those Cases. We may now add, That it is

no more than what his *Successors* have usually done ever since: No such Visitations being supposed, but upon a Presumption of Abuses or Defects, in the ordinary Discipin; and the Church judging it unfit that an Inferior should go on in the free Exercise of his Jurisdiction, while himself is under the Examination of his Superior about the *past Use* of it, and his Clergy by a Canonical Citation made accountable to the same Superior. But because it would be highly prejudicial to the Church, if a *stop* were put to the Proceedings of her Courts; therefore, during that Interval, the Ecclesiastical Laws commit the Jurisdiction, to the Person in whose Hands they have trusted the general Oversight and Inspection of the Discipline of the whole Province.

To this Instance, I will add but one more. In the Year, 1648. when the Parliament offer'd a new Scheme of Church-Government to King *Charles I.* one Objection which they made against *Episcopacy*, and upon which they founded the necessity of Bishops having the *Consent of Presbyters*, was, That he would otherwise have it in his Power to *Reject* any Person offering himself for Ordination: And they add the ill Consequence of such a Power †, *That the Bishop may chose, if any Minister at all shall be made in the Church of England.* The Consequence is good, because whoever has a Power within himself, has the Choice of *Exerting* or *not Exerting* it; but the Supposition upon which they rais'd the Danger (*viz.* that the Bishops would probably abuse that Power) is such as might be expected from the *Anti-Episcopal* Spirit of that Time; and yet not more Groundless or more Dishonourable to the Order, than these later Suppositions, upon which some Persons (who

† *Rush.* vol. 7. p. 1334. in the *Reply of the Commissioners to the King.*
 on would

would take it ill to be charg'd with the Spirit of those Times) have aggravated the Dangers of Trusting Authority in *One Man's Hand*.

The Application of these, and many other Passages of the same kind, which might be produc'd, is very obvious, as, 1. That if *Possibilities* of abusing Power to the *worst Ends*, were a good Argument against the *Wisdom* of any Constitution, however confirm'd and approv'd by long usage and experience, it might be improv'd to the destruction of *other Rights*, as well as that of *Continuing*: In truth, it would be an Objection against *all Trusts*, and by consequence against *all Authority Entrusted* by the Constitution of Church or State; because every Trust, as such, *implies a possibility* of its being Abus'd, with a Confidence repos'd in the Person Entrusted, that he *will* not abuse it.

2. That therefore Inferiors (if this way of reasoning be good) can never want a Pretence for *withdrawing* their Obedience, when *Pride*, or *Obstinacy*, or a *Personal dislike of their Superiors*, shall make them uneasy under Government.

3. That, in Fact, they who have hitherto us'd this Argument, have been the *profess'd Enemies* of our Constitution; and have made it their great Engine to overthrow the Establishment that was present, to the end they might open a way for their own Schemes. The *Papists* and *Puritans* (we see) jointly us'd it against the *Church*: and it is well known, to what Condition the Constitution both of *Church* and *State* was reduc'd within the Memory of Man, by these popular Clamours of the Danger and Mischief of trusting Authority in the Hands of a *single Person*.

BEFORE Authority be *taken out* of one Hand, the chief Care always is, That it be not attended with worse Consequences in another. I here suppose the

Metropolitan and Bishops to be in *Possession* of this Power: In *actual* Possession, because it was exercis'd by the President, the present Lord Bishop of *London*, throughout the Convocation of 1689, (the Convocation, which immediately preceded that, wherein these unhappy Differences arose) without the least Opposition from the Clergy, or any Pretence to separate Adjournments and Intermediate Sessions: And, if I am not much mistaken, the foregoing *Commentary upon the Schedule* proves their Lordship's Possession to be *just* and *legal*, by the Constitution and Custom of an *English* Synod.

But we will suppose, for Argument's sake, that a new Constitution were to be made, and the *Rule* of framing it to be (as it ought) *the Honour and Interest of the Church and her Synods*. An *Episcopal* Church, I mean, and a *Provincial* Synod of Bishops and Clergy united in the Metropolitan: For Privileges and Independences of PRESBYTERS have of late been so familiarly term'd the *Rights and Liberties* of the CHURCH, that an impartial Man would be tempted to think they had a Church in their Eye, of which the Metropolitan and Bishops were either to be no part, or at best a very inconsiderable one. But with their leave, in reasoning upon the *Honour and Interest* of the Church, and the Methods of promoting both, we will suppose the Bishops not only to be a part, but the *principal* part of it, as an Order Superior to Presbyters, and who by an original Right have in them the Government and Authority of the Church, so as without them it could not be a perfect and true Church: And as it becomes less true and perfect by every Diminution of the Just and Original Rights of Episcopacy, so the security of these Rights (as the Springs from whence the whole *Discipline* and *Ministry* of the Church is immediately deriv'd) ought to be the *first* consideration in all Establishments

blishments that pretend to make the *good* and *honour* of the Church their Rule.

Upon this Principle, the present Archbishop and his Suffragans have thought themselves oblig'd in Conscience and Duty to the Church, to defend the *Authority* of their Order (convey'd in the original Institution of it, confirm'd by the Usage of this National Church, and transmitted to them by their Predecessors) against the Encroachments of Presbyters, setting up a Government over one another, independent of their Ecclesiastical Superiors. That they do so in their *present* Claims and Practices, is no less plain from the foregoing Accounts, than that the Independences they contend for have no Foundation in the Usage of *former* Times; And therefore should their Lordships *allow* their Proceedings, they would not only suffer the Episcopal Authority to be usurpt by Presbyters, and the present Clergy to act and appear like a *Presbyterian Assembly*; but would also lay open a way to such further Independences, as any future Presbyters, uneasy under the Superiority of Bishops, may be dispos'd to claim. For if Presbyters can exercise an Authority within themselves independent on their Bishops in *some* Cases, it will at all times be a ready Inference among the Enemies of Episcopacy, that they may equally do so in all others; at least, that the same Civil Authority which undertakes to give it to them in *Synods*, cannot want Power to *extend* that independent Jurisdiction to Cases of an *Inferior* nature.

A *General Negative* upon the Upper-house (that is, a Right to disobey, if the Majority please, whatever the Archbishop and Bishops shall command) is what they have openly claim'd and avow'd in the whole course of this Dispute; however demonstrated from the Registers, ancient and modern, to be an Innovation. And if such a Negative, join'd to a pretended Power

in their House over its own Members, don't raise them to an *Independent* and *Co-ordinate* State in the whole course of their Proceedings, it is hard to say what will. Let us suppose Presbyters met together with this Authority in their own Body, and in an Intermediate Session of their own Appointment, without the Presence or so much as Knowledge of any Ecclesiastical Superiors; where is the difference, as to the *Methods* of Acting, between Them and the Assembly of Divines in 1643.?

If it be said, That nothing they do, can pass into a *Synodical Act* without the concurrence of the Upper-house; neither can any thing their Lordships shall agree on, but with the concurrence of the Lower. But (to take away even that difference between *their* Proceedings and those of *other* Presbyters) their late separate Address and Application, without the Upper-House, do plainly show that in their own Opinion the Approbation or Knowledge of the Archbishop and Bishops is not so necessary, but that it may upon occasion be superseded, and the Resolutions of the Lower-house be made *final*, and put in *practice* without it: and to how many Purposes that separate Power may be made to extend, we cannot yet tell: It is to be feared, there will be few Cases to which it will not *actually* be extended, whenever future Presbyters are dispos'd to take the advantage of it, and find so fair a Precedent before them.

And as these new Claims, are in their *tendency* thus favourable to the Measures of PRESBYTERY; so the Principle upon which they are chiefly founded, gives the PAPISTS a manifest Advantage against our Reform'd Church. Ever since the Reformation, they have reproach'd us with a *Parliamentary Religion*, and the loss of *Ecclesiastical Authority* and of the *Canonical* Rules of Government in the Church. And the present

sent Claims of the Lower-house are founded upon a Principle which evidently justifies this Reproach, *viz.* That the Convocation is Summon'd purely by the Authority of the *Prince* and not at all of the *Metropolitan*; and, That the Constitution and Methods of Proceeding are both *Parliamentary*, not *Ecclesiastical*.

It is shown, in the foregoing Pages, and more largely elsewhere, that the Summons is immediately by the *Metropolitan Authority*, and the Method of Proceedings exactly Canonical; and that, by consequence, they really meet, sit, and act, and frame and pass their Constitutions, as an *Ecclesiastical* Body. But the Reader may see from the bare mention of that *Parliamentary Capacity*, supposing it were true, how impossible it would be to confute the Papists, when they charge our Reformation with ruining the Church's Authority, and our Protestant Canons and Constitutions, as being of a Secular Extraction. In short, that Principle making *Ecclesiastical* Proceedings an effect and imitation of Usages in the *State*, plainly tends to make us an *Erastian Church*: and (if it were so in *our Church*) would be a *fuller* Justification of the Charge, than any Argument that even the *Papists* themselves have aim'd at.

With what Intent or Disposition the present Presbyters may pursue or favour such Measures, their own Consciences best know: The Question is, how far these *Principles* and *Practices* (if now allow'd and establisht) would promote, or rather of themselves introduce, the Designs of Presbytery; whenever either the Laity or some Leading Members among the Clergy may be dispos'd that way. And if the Claims be *in themselves* Encroachments upon the Episcopal Rights, and in the Consequences so pernicious to the Establisht Church, none who is a real Friend to that Church can *wish* them a part of our Constitution. On the other Hand, he
must

must own his Obligation to our Metropolitan and Bishops for their early and resolute *Opposition* to these Attempts; and confess withal, that our Reform'd Episcopal Church has been faithfully serv'd by those who have asserted her ancient Authority, and cleared the Reformation from the Charge of destroying it, and so prov'd the Constitution and Proceedings of her Synods to be (what every good Man would wish them) agreeable to the essential Distinctions between Bishops and Presbyters. For while this continues to be our *Constitution*, the Civil State has the honour of being a true Patron of the Church, in leaving her to her own ancient Canonical Methods, as the most Religious Princes and States have ever done: And our Church will be always able to justify the establisht Disci-
 plin and Proceedings, upon the Authority of Primitive Practice; while in virtue of that Alliance to the Primitive Times, our Constitution is sufficiently fenc'd against the Attacks of *Presbytery* on one Hand, and the Reflections of *Popery* on the other. But if this be truly *serving* the Church, she has been very much *disserv'd*, not to say betray'd, by some others, who have shewn their *good Will* at least to transfer her Authority to the State, and to make her Synods meet and act in a Civil Capacity and by Parliamentary Rules, and by that Engine have endeavour'd to break down the original Distinctions between Bishops and Presbyters; in short, they have labour'd very hard to make the Constitution of our Church, such as her *Enemies* on either Hand could wish it.



F I N I S.

Errata & Addenda.

PAge 5. line 28. read *Præmoneri*. P. 30. l. 10. r. *is to Day*.
 The *Conceal'd Extracts* out of the Journals, spoken of p. 29. are those to which we find *express Reference* made in several of the Books written in defence of the Lower-House-Claims. As, *Power of the Lower-House*, &c. p. 21. "The Extracts of Dr. Heylin out of the Upper-House-Book, "from 1529, for above 50 Years downwards".— In the *Case of the Schedule* (p. 82, 84, &c.) reference is often made to them, and Passages cited out of them.— In a later Book, entitl'd, *The Parliamentary Original*, &c. it is said in the Preface (p. 13.) "Dr. Heylin's Extract is yet a fuller Testimony", &c. But two Passages in the 45th Page of that Book (suppos'd in the *Answer* to it, to be cited from *Extracts* out of the *Journal*) are observ'd since to be taken from some private Notes of a Member of that Time; preserv'd in Archbishop Parker's *Synodalia*, and Publish'd by Mr. Strype in *Cranmer's Memoirs*.

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